

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.6908 of 2019

SANTHANAM ... PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.34/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PRABHA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused, was arrested and remanded to judicial custody on 27.03.2019 for the offences punishable under Section 302 and 201 of IPC in Crime No.34 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a widow and the petitioner is said to have illicit intimacy with the defacto complainant. When the same was questioned by the deceased, the petitioner had murdered the deceased. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.03.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is completed and the viscera report is yet to be received.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The petitioner is a first offender and he is in the judicial custody from 27.03.2019. Admittedly, a substantial portion of the investigation has been completed. Hence, further custody of the petitioner is not necessary for the prosecution to complete the investigation. Hence, considering the above facts and circumstances of the case, particularly on considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sattur, Virudhunagar District.

[ii] the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioner shall stay at Salem and report before the Inspector of Police, Town Police Station, Salem daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
29/05/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
SALEM.

5 THE OFFICER INCHARGE
SUBJAIL, VIRUDHUNAGAR

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.S.PRABHA, Advocate (SR-8795[I] dated 29/05/2019)

ORDER
IN

CRL OP(MD) No.6908 of 2019
Date :29/05/2019

MR

AE/MMS/SAR-IV (30.05.2019) 3P 8C

सत्यमेव जयते

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